IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

THURSDAY, THE 22ND MARCH 2007 / 1ST CHAITHRA 1929

WP(C).No. 25527 of 2003(L)

PETITIONER:

K. SASIKUMAR, GEETHANIKETHAN, NADUVILE VILLAGE, PADINJARE MURI, VAIKOM P.O., KOTTAYAM DSTRICT, REP. BY HIS POWER OF ATTORNEY (BORTHER IN LAW) MR.N.R.PRADEEPKUMAR, S/O. N.R. RATHEESAN, AGED 41 YEARS, RESIDING AT GEETHA NIKETHAN, NADUVILE MURI, VAIKOM, KOTTAYA DISTRICT.

BY ADV. SRI.V.SANTHARAM
SRI.ALEX ANTONY SEBASTIAN P.A.

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY THE CHIEF SECRETARY TO GOVERNMENT, GOVERNMENT SECRETARIAT, TRIVANDRUM.

2. THE CHIEF ENGINEER, PUBLIC WORKS DEPARTMENT, (ROAD AND BUILDINGS), TRIVANDRUM.

3. THE SUPERINTENDING ENGINEER, PUBLIC WORKS DEPARTMENT, (ROADS & BUILDINGS) SOUTH CIRCLE, TRIVANDRUM.

4. THE ARBITRATION COMMITTEE, GOVERNMENT OF KERALA, PUBLIC WORKS (G) DEPARTMENT TRIVANDRUM, REPRESENTED BY THE ADDITIONAL CHIEF SECRETARY.

BY GOVERNMENT PLEADER SMT.R.BINDU

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 22/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

P1: TRUE COPY OF POWER OF ATTORNEY DT.18.7.2002 EXECUTED BY THE PETITIONER.

P2: TRUE COPY OF REPRESENTATION DT.23.4.86 SUBMITTED BY PETITIONER BEFORE R3.

P3: TRUE COPY OF ORDER DT.24.7.86 OF R3.

P4: TRUE COPY OF INTIMATION DT.23.5.89 ISSUED BY SECRETARY TO GOVERNMENT.

P5: TRUE COPY OF LETTER DT.24.11.92 ISSUED BY SECRETARY TO GOVT. TO THE PETITIONER.

P6: TRUE COPY OF JUDGMENT DT.6.3.97 IN R.P. 87/97 IN O.P. 1360/93 PASSED BY THIS HON'BLE COURT.

P7: TRUE COPY OF REPRESENTATION DT.30.4.97 ALONG WITH ACKNOWLEDGEMENT SUBMITTED BY PETITIOENR BEFORE THE MINISTER FOR PUBLIC WORKS.

P8: TRUE COPY OF INTIMATION DT.7.1.2002 GIVEN BY PRL. SECRETARY TO THE PETITIONER.

P9: TRUE COPY OF COVERING LETTER ADDRESSED TO THE SECY. TO GOVT., PWD ALONGW ITH REPRESENTATION DT.28.1.2002.

P10: TRUE COPY OF THE NOTICE DT.28.2.2003 ALONG WITH PHOTOCOPY OF THE ENVELOP.

P11: TRUE COPY OF THE REPRESENTATION DT.6.3.2003 SUBMITTED BY POWER OF ATTORNEY OF THE PETITIOENR TO THE SECRETARY, PWD.

P12: TRUE COPY OF LETTER DT.15.5.2002 (ACTUAL DATE 15.5.2003) SENT BY ADDL. SECY. TO THE PETITIONER.

TRUE COPY

P.S. TO JUDGE

C.N.RAMACHANDRAN NAIR, J.

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W.P.(C) No.25527 of 2003

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Dated this the 22nd day of March, 2007.

JUDGMENT

The petitioner's case is that inspite of constitution of Arbitration Committee to settle the dispute between the petitioner and the respondents, Arbitration Committee has not so far decided the matter. Government Pleader submitted that work is rearranged and probably work would have been now completed. What remains is only determination of claim amount, if any, payable by the petitioner. The W.P. was filed challenging Ext.P12 which was only a proposal for cancellation of contract and reaward of work. Since there was no stay granted by this court, work was obviously rearranged. In the circumstances, W.P. is disposed of directing the 4th respondent, if it is in existence, to determine the issues arising out of contract through arbitration proceeding within three months from the date of production of copy of this judgment. If arbitration committee is not there, then the concerned authority will constitute the committee without delay and decide the matter. The petitioner will be given hearing by the arbitration committee before final award is passed.

C.N.RAMACHANDRAN NAIR
Judge

pms